

CITY OF MUSKEGON  
**ZONING BOARD OF APPEALS**  
REGULAR MEETING  
MINUTES

**March 14, 2017**

Chairman R. Hilt called the meeting to order at 4:02 p.m. and roll was taken.

MEMBERS PRESENT: R. Hilt, E. Fordham, S. Warmington, T. Halterman

MEMBERS ABSENT: W. German, excused; B. Larson, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: T. Frens, 233 Irwin Ave.

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of February 14, 2017 be approved was made by S. Warmington, supported by E. Fordham and unanimously approved.

PUBLIC HEARING

**Hearing; Case 2017-02:** Request for a variance from Section 2311 of the zoning ordinance to allow construction of a garage on a lot without a principal structure in an R-1, Single-Family Residential District at 221 Irwin Avenue, by Thomas Frens. M. Franzak presented the staff report. The applicant owns the home at 233 Irwin and the vacant lot at 221 Irwin Avenue; the two lots are separated by an alley. He would like to build a garage on his property, but further development on the lot with the house is limited by the sloped terrain and a large tree in the back yard. Mr. Frens would also like a garage larger than what would be allowed on the lot with the house. The vacant lot across the alley at 221 Irwin is a buildable lot but has no principal structure (house) on it. The zoning ordinance does not allow accessory structures (garages) to be built on lots without a principal structure. Normally, the lots would be combined to make one buildable lot. However, these lots cannot be combined because of the alley that separates them. In order to legally combine the lots, the alley would have to be vacated and the block would have to be replatted. That would not be practical and could potentially limit the alley use for other homes that rely on it. The applicant is seeking a variance to construct the garage at 221 Irwin Avenue because that is the simplest way to remedy the problem. The vacant lot at 221 Irwin measures 61' x 130' and is zoned R-1, Single Family Residential; the surrounding properties have a mix of business and residential uses. In fact, the home at 233 Irwin is actually zoned B-2, Convenience and Comparison Business District, and the home at 211 Irwin is zoned B-1, Limited Business District. Notification letters were sent to properties within 300 feet of the subject property. The McLaughlin Neighborhood Association wrote a letter in support of the request. B. Young of 1468 Terrace also expressed support for the request. Board members were provided with a list of the applicant's responses to the variance standards. Staff agreed that this was the best way to construct a garage for this property. Vacating the alley would be detrimental to the rest of the block.

E. Fordham asked what size garage would be allowed. M. Franzak stated that the garage could not take up more than 50% of the total lot size, had to be located behind the front building line of the house on the adjacent property, and had to meet setbacks. S. Warmington asked if the lots could be combined, with an easement allowing the alley to go through. M. Franzak stated that the alley was already an easement. R. Hilt observed that there were 4 or 5 garages that opened onto that alley, and vacating it would cause a hardship for those residents. T. Frens stated that he would use quality materials in the garage construction, and it would match the house, as he wanted it to look cohesive.

A motion to close the public hearing was made by R. Hilt, supported by S. Warmington and unanimously approved.

R. Hilt asked why there were so many different zoning classifications in this area. M. Franzak stated that it was an older neighborhood from a time when small businesses were more prominent in neighborhoods. This street had several small businesses located on it. Board members discussed the review standards, and the following findings of fact were offered: 1) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district, 2) That such dimensional variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity; 3) That the authorizing of such dimensional variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this chapter or the public interest, 4) That the alleged difficulty is caused by the Ordinance and has not been created by any person presently having an interest in the property or by any previous owner, 5) That the alleged difficulty is not founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner, and 6) That the requested variance is the minimum action required to eliminate the difficulty.

A motion that the findings of fact be accepted and that the variance request to allow the construction of a garage at 221 Irwin Avenue be approved, subject to the conditions that: a) The garage be set back at least as far back from the road as the home at 233 Irwin Avenue, b) The garage meets the other development standards for accessory structures in Section 2311 of the zoning ordinance, and c) any necessary permits are obtained, was made by S. Warmington, supported by E. Fordham and unanimously approved, with R. Hilt, E. Fordham, S. Warmington, and T. Halterman voting aye.

#### OLD BUSINESS

None

#### OTHER

None.

There being no further business, the meeting was adjourned at 4:44 p.m.